UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

CA 06 331 ML

VINCENT J. MESOLELLA
Plaintiff

vs. C.A. NO. 06-

RAYMOND BOURQUE

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant, Raymond Bourque, hereby removes the above-captioned action to the United States District Court for the District of Rhode Island, and respectfully states as follows:

1. This action is removable pursuant to 28 U.S.C. §1332 and 1441(a) and (b), on the ground that this Court has original diversity jurisdiction, and the amount in controversy exceeds $75,000.00, exclusive of interest and costs.

2. On or about July 18, 2006, a Complaint was served upon the defendant through his attorneys in the action captioned Vincent J. Mesolella v. Raymond Bourque, CA. No. 06-3738 pending in the Providence County Superior Court for the State of Rhode Island. Defendant's attorney accepted service on July 18, 2006.

3. Pursuant to 28 U.S.C. §1446(a), defendant attaches as Exhibit "1" the state court Complaint dated July13, 2006 and the acceptance of service dated July 18, 2006. These documents constitute all "processes, pleadings and orders" served upon defendant in this action to date. There are no matters pending in the Superior Court.

4. Upon information and belief, at the time of commencement of this action,

plaintiff Vincent J. Mesolella was and is now a citizen of the State of Rhode Island who resides in North Providence, Rhode Island.

5. At the time of commencement of this action, defendant Raymond Bourque was a citizen of the Commonwealth of Massachusetts who resides in Attleboro, Massachusetts.

6. The Complaint alleges, inter alia, declaratory judgment, specific performance, breach of contract, joint venture, statutory partnership, promissory estoppel, fraud in the inducement and unjust enrichment and demands a judgment of compensatory damages suffered and for exemplary damages, and attorneys' fees against defendant, in an amount of not less than $75,000.00.

7. This notice is being filed within 30 days after receipt by defendant of notice of this action, and is therefore timely filed pursuant to 28 U.S.C. §1446(b).

8. This Court has original diversity jurisdiction of this action, and the action is therefore removable pursuant to 28 U.S.C. §1441.

9. Written notice of the filing of this Notice will promptly be given to plaintiff and, together with a copy of the Notice of Removal, will be filed with the Clerk of the Providence County Superior Court for the State of Rhode Island, as provided by 28 U.S.C. §1446(d).

10. Defendant expressly reserves any and all defenses which may be available to it in this action.

WHEREFORE, Defendant prays that this action proceed in this Court as an action properly removed thereto.

RAYMOND L. BOURQUE
By his Attorneys,

Richard W. MacAdams, #1681
Dennis R. Gannon, #2280
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101 Dyer Street, Suite 400
Providence, RI 02903
(401) 454-8700
(401) 454-8755 (Fax)
Dated: July_____, 2006

CERTIFICATION

I hereby certify that on the 19 day of July, 2006 a true and accurate copy of the within was sent by regular mail, postage prepaid, to Anthony J. Bucci, Jr., Esq., 155 South Main Street, Providence, RI 02903